
Appeal Decision

Site visit made on 24 January 2017

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th March 2017

Appeal Ref: APP/R5510/W/16/3160345

Land adjacent to 14 and 15 East Walk, Hayes, Middlesex UB3 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anton Raimondo of Southern Capital Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 63226/APP/2016/2383, dated 24 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is construction of two, three bedroom houses, one two bedroom house and related facilities.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Anton Raimondo of Southern Capital Ltd against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are the effect of the proposal on, firstly, the character and appearance of the area and, secondly, on the living conditions of future occupants having regard to the adequacy of external livings spaces.

Reasons

Character and appearance

4. The proposal seeks to overcome previous reasons for refusal by sinking the three single storey dwellings, private courtyards and gardens below ground level. Access, cycle parking and refuse collection points would be provided at ground level from an existing point of access between Nos 14 and 15.
 5. Although the amended scheme would have the effect of removing the majority of the above ground structures the altered pattern of land use activity arising from the residential occupation of the land would remain. Such domestic activities as outside playing and socialising, night time lighting and general comings and goings would be evident. While the structures would not be visually prominent the use of the land for three new dwellings would plainly be out of character with its historically open and undeveloped state.
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6. Although the appeal site is not affected by statutory designations the Council has identified it falling within a wider Area of Special Local Character (ASLC). The distinctive arrangement of short terraces and semi-detached houses along East Walk arranged as to have a road frontage over short gardens was apparent at my site inspection. Having regard to Paragraph 58 of the National Planning Policy Framework the Council is entitled to seek to reinforce local character and reflect the identity of local surroundings. The ASLC is afforded weight under saved Policy BE5 of Hillingdon's Unitary Development Plan 1998 (the UDP) and Policy HE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (the LP).
7. In this context the amended scheme would not fully address the problems identified in previous applications and appeals. The three dwellings would be sited at an open area currently forming an integral part of a planned estate. The harm to the character of the area would conflict with Policies BE1 of the LP and saved Policies BE13, BE15 and BE19 of the UDP that require new development to respect the character of existing places and achieve a high quality of design. It would also conflict with Policies 3.5 and 7.4 of the London Plan 2016 that seek new development to take account of local character and to have regard to the pattern and grain of the existing spaces and streets, amongst other matters.
8. Turning to living conditions. While the appellant's submissions point to the Council's requirements for external living spaces being exceeded no sizes have been provided for the private courtyards proposed. It is evident from the plans that these private spaces would be less than half of the floor areas of the dwellings they would serve. Having regard to the stated size of each dwelling they would not accord with the Council's minimum standards set out within its supplementary planning guidance. Although there would be other garden spaces provided these are not identified as being available for the private use of future occupants.
9. I acknowledge that small outside living spaces are a feature of many developments in and around London. However, given the subterranean and heavily enclosed nature of the accommodation proposed, and the close proximity to one another, there are no justifiable reasons for setting aside the Council's standards.
10. The inadequate external spaces proposed would lead to harm to living conditions that conflicts with saved Policies BE19 and BE23 of the UDP that require adequate provision of external amenity spaces in new developments.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR